

REMARKS

In accordance with the foregoing, claim 1 has been amended. Claims 2 and 4-5 were previously cancelled. Therefore, after entry of the foregoing claim amendments, claims 1, 3 and 6 will remain pending and under examination. No new matter is being presented, and approval of the amended claim is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 1 and 3 stand rejected as being unpatentable over Lee et al. (U.S. Patent No. 6,266,481) (hereinafter “Lee”) in view of Yuyama et al. (U.S. Patent No. 5,825,408) (hereinafter “Yuyama”), Nono (U.S. Patent No. 7,209,632) and Yoshinobu et al. (U.S. Patent No. 5,761,372) (hereinafter “Yoshinobu”). Claim 6 stands rejected as being unpatentable over Lee in view of Yuyama and Nono, and further in view of Matsugami (U.S. 2003/0099462). Applicant assumes that the Examiner intended to reject claim 6 further in view of Yoshinobu, as applied to claim 1. The rejections are respectfully traversed and reconsideration is requested. The following is a comparison between embodiments of the present invention and the cited art.

Independent claim 1 is amended herein to clarify that a receiving state detector detects a receiving state of the waves of television broadcast, based on a reception level obtained from the waves of television broadcast, before recording.

The Examiner correctly notes on page 3 of the Action that Lee fails to teach or suggest a receiving state detector for detecting a receiving state of the waves of television broadcast before recording. However, the Examiner goes on to assert that Nono teaches the receiving state of the wave is the reception level of the television broadcast wave (citing col. 9, line 55, to col. 10, line 59, of Nono).

Applicant respectfully disagrees with the Examiner’s interpretation of Nono and various features recited in claim 1. In Nono, when a user looking at a program display selects a program desired for preset recording (*i.e.*, a preset-desired program), if there is a possibility of degradation in

image quality or sound quality due to bad weather during the broadcast time of the preset-desired program, an indication as such is displayed on the monitor/television 207 (it is assumed that the relevant weather forecast information exists). In this case, the user can decide that recording of the preset-desired program will be practically impossible due to bad weather, and can give an instruction for not setting the preset recording (See, col. 12, lines 8-19, of Nono).

In contrast, embodiments of the present invention, as recited in amended claim 1, provide a receiving state detector capable of detecting a receiving state of the waves of television broadcast, *based on a reception level obtained from the waves of television broadcast*. That is, according to one exemplary embodiment, the receiving state of the waves of television broadcast can be detected based on, for example, the recorded reception level that is obtained from the waves of television broadcast. Accordingly, embodiments of the present invention enable more appropriate programmed recording as compared to the system described in Nono, in which a possibility of degradation in image quality or sound quality is determined based on precipitation probability (*i.e.*, undesirable weather) or the like, before the broadcast is received.

Therefore, it is respectfully submitted that independent claim 1, as amended, patentably distinguishes over the cited art. It is further submitted that neither Yuyama nor Yoshinobu cure the deficiencies of Lee and Nono described above, and is not cited as doing such.

The pending dependent claims 3 and 6 inherit the patentability of independent claim 1 and are submitted to be in condition for allowance for at least the foregoing reasons. Further, Applicant submits that Matsugami does not teach or suggest the aforementioned features of amended independent claim 1, and is not cited as doing such.

Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 278542003800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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